

STATE OF LOUISIANA
GROUND WATER MANAGEMENT COMMISSION

IN RE: GROUND WATER *
MANAGEMENT COMMISSION *

REPORT OF MEETING
HELD AT
BATON ROUGE, LOUISIANA
SEPTEMBER 17, 2001

STATE OF LOUISIANA

GROUND WATER MANAGEMENT COMMISSION

IN RE: GROUND WATER *

MANAGEMENT COMMISSION *

Report of the public meeting held by the Ground
Water Management Commission, State of Louisiana, on
September 17, 2001, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:

Karen Gautreaux, Chairman

Philip Asprodites, Commissioner of Conservation

Zahir "Bo" Bolourchi, Secretary, DOTD

George Cardwell, Capital Area Ground Water Commission

William "Bill" Cefalu, Police Jury Association

Richard Durrett, Sparta Groundwater Conservation Dist.

Dale Givens, Secretary, DEQ

Karen Irion, DHH

Brad Spicer, Agriculture & Forestry

Bob Odom, Secretary, Agriculture & Forestry

John Roussel, Assistant Secretary Wildlife & Fisheries

Linda Zaunbrecher, Farm Bureau Member

AGENDA

- I. Call to Order
- II. Update on Request for Proposals (RFP) for Assistance with Development of the Statewide Comprehensive Water Management System - Anthony Duplechin, Office of Conservation
- III. Update on Emergency Rules for the Hearing Procedure for the Designation of a Critical Ground Water Area - Anthony Duplechin, Office of Conservation
- IV. Discussion of the 60-Day Notice Requirement
- V. Ground Water Management Advisory Task Force Comments
- VI. New Business:
Advisory Task Force Committees/Ione Burden
Conference Center 1:30 p.m., 9/17/01 - Karen Gautreaux
- VII. Public Comments
- VIII. Schedule for Next Meeting - Karen Gautreaux
- IX. Adjourn

GROUND WATER MANAGEMENT COMMISSION

SEPTEMBER 17, 2001

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COMMISSIONER GAUTREAUX:

Welcome to the third meeting of the Ground Water Management Commission. I'm Karen Gautreaux, the Chair of the Commission, Governor Foster's Special Assistant for Environmental Affairs. And what we would like to do right now is go around and let the Management Commission members identify themselves and we'll -- so we'll have it noted on the record.

COMMISSIONER CARDWELL:

George Cardwell. I represent the Capital Area Ground Water Commission.

COMMISSIONER CEFALU:

I'm William Cefalu. I'm representing the Police Jury Association.

COMMISSIONER GIVENS:

Dale Givens, Department of Environmental Quality.

COMMISSIONER BOLOURCHI:

Bo Bolourchi, Louisiana Department of Transportation and Development.

COMMISSIONER ZAUNBRECHER:

Linda Zaunbrecher, Louisiana Farm Bureau.

COMMISSIONER DURRETT:

Richard Durrett, Sparta Groundwater Commission.

COMMISSIONER SPICER:

Brad Spicer, Louisiana Department of Agriculture and Forestry.

COMMISSIONER ROUSSEL:

1 John Roussel, Louisiana Department of Wildlife
2 and Fisheries.

3 COMMISSIONER IRION:

4 Karen Irion, Department of Health and Hospitals.

5 COMMISSIONER ASPRODITES:

6 Philip Asprodites, Commissioner of Conservation.

7 COMMISSIONER GAUTREAUX:

8 Thank you. First on our agenda is an update by
9 Tony Duplechin of Conservation on the Request For
10 Proposals for the assistance with development of
11 Statewide Comprehensive Management System. As you'll
12 recall the Management Commission and Advisory Task
13 Force members contributed input into this RFP, and --
14 well, actually the Scope of Services that was part of
15 the RFP, and Tony is here to give us an update on
16 where that is in the process.

17 MR. DUPLÉCHIN:

18 Thank you. On September 7th the first
19 advertisement was made for the RFP. It was advertised
20 again on the 11th and advertised again today. We are
21 having a pre-proposal conference tomorrow afternoon at
22 2:00, I believe, in the Conservation auditorium, which
23 is directly across from here. The Staff has been
24 working through the Department of Natural Resources
25 Contracts and Grants Section in the Department -- in
26 the Office of the Secretary to get this RFP out and to
27 set up a time line for the different stages in
28 selection of a contractor. I believe all of you have
29 the cover letter that went out with the RFP showing
30 when the different stages are to occur.

1 We have selected a review committee for the bids
2 that we get in. The committee consists of myself, Mr.
3 Jim Marchand, who is a lawyer with the Louisiana House
4 of Representatives staff, and representatives from the
5 Ground Water Management Commission, and
6 representatives from the Ground Water Management
7 Advisory Task Force.

8 COMMISSIONER GAUTREAUX:

9 Thank you.

10 COMMISSIONER ASPRODITES:

11 What is the date that we would expect the bids to
12 be received?

13 MR. DUPLÉCHIN:

14 We anticipate or it's set out in the letter that
15 went out that proposals must be received by the 8th of
16 October.

17 COMMISSIONER ASPRODITES:

18 So what's the time frame, as far as the proposals
19 come in by that date --

20 MR. DUPLÉCHIN:

21 By the end of that day proposals will have get
22 in, then the -- will have gotten in, then the review
23 committee will sit down and look at the proposals, and
24 there are a series of criteria for weighting different
25 parts of the proposal, which is in the RFP. I believe
26 it's in everyone's packet.

27 COMMISSIONER ASPRODITES:

28 What is the time frame of what we're shooting for
29 to have a consultant on board?

30 MR. DUPLÉCHIN:

1 We are shooting for the 2nd of November for
2 notification of the award of the contract.

3 COMMISSIONER ASPRODITES:

4 So that's three weeks to review the submittals?

5 MR. DUPLÉCHIN:

6 Approximately.

7 COMMISSIONER GAUTREAUX:

8 Tony, can you give a little information as to
9 what typically goes on at the hearing that will take
10 place tomorrow, or how that's going to work, if anyone
11 is interested?

12 MR. DUPLÉCHIN:

13 People interested in bidding on this contract
14 will ask questions of both the Ground Water Management
15 Commission Staff as to the technical approaches and
16 results expected in the contract. They will also ask
17 questions of the Contracts and Grants staff with the
18 Department of Natural Resources pertaining to the
19 technicalities of working in effect for the state and
20 the requirements that are made, such as insurance
21 requirements, reporting requirements, and so forth.

22 COMMISSIONER GAUTREAUX:

23 Are there any questions or comments by the
24 members of the Management Commission?

25 COMMISSIONER CARDWELL:

26 Tony, are you advertising nationally or only
27 within the state?

28 MR. DUPLÉCHIN:

29 Yes, sir. The advertisements themselves were
30 published in the seven major newspapers in the state

1 of Louisiana. There is a link to the RFP on the
2 Department of Natural Resources Contracts and Grants
3 web page. We selected from the list of approved
4 vendors provided by the Division of Administration a
5 number of other particular entities to transmit
6 notification of the RFP to. We've also had calls in
7 from firms nationwide asking that they be sent a copy
8 of the RFP.

9 COMMISSIONER GAUTREAUX:

10 Tony, we discussed early on the possibility of I
11 think it's Commerce and Trade Daily. Did we do that?
12 Do you know?

13 MR. DUPLÉCHIN:

14 I'm not sure. I would have to check with
15 Contracts and Grants.

16 COMMISSIONER GAUTREAUX:

17 Because that's a nationwide publication we've
18 mentioned. Linda, did you have --

19 COMMISSIONER ZAUNBRECHER:

20 No new proposals would be admitted after 2:15
21 tomorrow afternoon. Does that mean that you expect
22 anyone who would make a proposal to be present at this
23 meeting tomorrow?

24 MR. DUPLÉCHIN:

25 Let me read the language.

26 COMMISSIONER ZAUNBRECHER:

27 Well, it's in the Pre-proposal Conference.

28 MR. DUPLÉCHIN:

29 Right.

30 COMMISSIONER ZAUNBRECHER:

1 My interpretation is that anybody who wants to do
2 a proposal should be there tomorrow?

3 MR. DUPLÉCHIN:

4 No, that means after 2:15 when the meeting itself
5 starts.

6 COMMISSIONER ZAUNBRECHER:

7 I understand. But that means that you have sent
8 out the RFP, and people who are interested in
9 presenting a proposal are expected at this conference
10 tomorrow?

11 MR. DUPLÉCHIN:

12 No, ma'am. At 2:15 means the doors close at
13 2:15. If they want to ask questions --

14 COMMISSIONER ZAUNBRECHER:

15 I understand.

16 MR. DUPLÉCHIN:

17 -- they've lost that opportunity at 2:15. They
18 may know enough about the process to understand what
19 goes on when contracting with the state.

20 COMMISSIONER GAUTREAUX:

21 It's not required.

22 COMMISSIONER ZAUNBRECHER:

23 It's not a requirement, attendance.

24 MR. DUPLÉCHIN:

25 No, ma'am.

26 COMMISSIONER GAUTREAUX:

27 It's just an opportunity, as I understand it, for
28 clarification.

29 COMMISSIONER ZAUNBRECHER:

30 I understand that. I just wanted -- it's short

1 notice.

2 COMMISSIONER GAUTREAUX:

3 Any other comments or questions from the Task
4 Force members -- Commission members, excuse me. (No
5 response.) Thank you, Tony. Don't go anywhere
6 because you have the next one.

7 The next is the update on Emergency Rules for the
8 hearing procedure for the designation of a critical
9 groundwater area.

10 MR. DUPLÉCHIN:

11 On September 10th I hand carried insertion order
12 for the emergency rules over to the Office of the
13 State Register, and it will be published in the
14 September 20th issue of the state Register. It will
15 be in effect then. And I believe it's 120 days is the
16 life of the emergency order. We are currently working
17 on permanent rules but do not know if we will have
18 those rules ready to be in place by the time this
19 emergency order expires. If that is the case, then we
20 will have to ask the Commission to approve those
21 emergency rules again and have them resubmitted to the
22 Office of the State Register.

23 COMMISSIONER GAUTREAUX:

24 Tony, if several members of the Commission and
25 Advisory Task Force, I say several, a few persons had
26 forwarded some suggestions to be incorporated into the
27 Rule, if we -- I guess there are two things. We'll
28 consider those for incorporation into the permanent
29 rule, and also there's a possibility that if something
30 seems to not be working we can also reissue emergency

1 rule that has been modified from its current emergency
2 rule, but we would expect the Task Force and
3 Commission to be involved in those modifications.
4 They would be, correct?

5 MR. DUPLÉCHIN:

6 Yes, ma'am.

7 COMMISSIONER GIVENS:

8 Tony, on the 60-day waiver additional
9 recommendation, on No. 3 you have recovery wells, a
10 well employed to remove contamination from
11 groundwater. We would like to add groundwater
12 monitoring wells for the monitoring wells that are
13 required to be put in to determine where contamination
14 is around a site.

15 COMMISSIONER GAUTREAUX:

16 That's on our next agenda item. We can take that
17 as a comment, but can we finish up on --

18 COMMISSIONER GIVENS:

19 Go ahead.

20 COMMISSIONER GAUTREAUX:

21 Are there any other comments on the emergency
22 rule portion? (No response.)

23 So we're going to move into the 60-day waiver
24 report. And there seems to be a little confusion,
25 too. I just wanted to mention before we go into the
26 text that this is not a waiver of having to register.
27 It's a waiver of the 60 days in certain situations.
28 So, Dale -- did you understand Dale's comments, and I
29 guess after that we can go into the more general
30 discussion, if you will?

1 COMMISSIONER ASPRODITES:

2 Can I ask one question back on the prior subject
3 before we get to item 3? There have been no requests
4 by any other party for a hearing before the Commission
5 yet to consider critical groundwater areas, correct?

6 MR. DUPLÉCHIN:

7 No, sir, there have been no requests.

8 COMMISSIONER ASPRODITES:

9 Thank you. Dale?

10 COMMISSIONER GIVENS:

11 Go ahead.

12 COMMISSIONER ASPRODITES:

13 Do you want to ask your question? Go ahead.

14 COMMISSIONER GIVENS:

15 Do I restate what I just said?

16 COMMISSIONER GAUTREAUX:

17 Please. I think Tony has his pen now.

18 COMMISSIONER GIVENS:

19 On the 60-day waiver on the second half, Item 3,
20 recovery wells, I think in that same area we should
21 put in groundwater monitoring wells so that if we're
22 going out and investigating a situation, we can move
23 posthaste.

24 MR. DUPLÉCHIN:

25 One reason that we had left monitor wells out was
26 in looking at the definition of water well in Act 446,
27 it said a well that was drilled for the primary
28 purpose of producing water. But we --

29 COMMISSIONER GIVENS:

30 I just don't want to get caught crosswise, I

1 don't think, because we do have to produce the water
2 to -- and I understand it's splitting a hair's
3 difference, Tony.

4 MR. DUPLÉCHIN:

5 Right. I don't think we have any problem with
6 that.

7 COMMISSIONER GAUTREAUX:

8 Tony, would you like to go into a general
9 explanation of what this has been designed to do, the
10 waiver?

11 MR. DUPLÉCHIN:

12 Yes. Okay. As Ms. Gautreaux said, we wanted to
13 clear up the possible misconception that the just
14 cause waiver that is granted in Act 446 is just a
15 waiver of the 60-day time frame for notification. All
16 wells are -- owners of all wells are required to
17 notify the Office of the installation of the wells.
18 As we said in our last presentation to the Commission,
19 there are two wells in the legislation that are
20 specifically granted this waiver of the time frame,
21 which are domestic wells and replacement wells.

22 We asked the Commission to consider these
23 additional types of wells. They came up with language
24 that says, Louisiana Revised Statutes 38:3099 permits
25 the waiver of the 60-day pre-drilling notice for just
26 cause as determined by the Commission. In addition to
27 the just cause as provided above, there is a
28 presumption of just cause for waiver of the 60-day
29 notification in noncritical groundwater areas from the
30 following types of wells. No. 1 is drilling rig

1 supply - a temporary well at a drilling site to supply
2 water for the drilling rig only. These are temporary
3 wells used for a few weeks or months in drilling
4 operations. Periodically a well may have more than
5 one pay zone productive sand, and the water well will
6 remain inactive until the oil/gas well is reworked to
7 produce from the next pay zone. The reworking usually
8 takes less than a week, then the water well is
9 inactive again. In addition, these wells do not
10 normally produce out of drinking water aquifers and
11 are not always pumping. According to DOTD's database,
12 there were 184 rig supply wells installed in 2000, and
13 149 of these wells are already abandoned.

14 Second type of well is a de-watering well. This
15 is a well installed to de-water an aquifer or lower a
16 water table in order to allow construction or mining
17 activities. These are also temporary wells that pump
18 a relatively small area and return the water pumped
19 either via underground injection or to surface waters.
20 There are 34 de-watering wells that have been
21 installed in 2000, and 16 of these wells have already
22 been abandoned.

23 The third type of well is a recovery well, a well
24 employed to remove contamination from groundwater.
25 These types of wells should be considered emergency
26 wells because they remove potential contaminants from
27 drinking water aquifers. Regardless of the pumping
28 rate and capacity of these wells, they perform the
29 important task, and the Commission may wish to
30 consider a presumption of a 60-day pre-drilling waiver

1 for these wells even in critical groundwater areas.

2 The fourth type of well is a relief well. This
3 is a well employed as a method of relieving water
4 pressure on a structure or area by providing an
5 alternate escape of water from the ground. This type
6 of well is normally adjacent to a bayou, river, or
7 other surface body of water and does not employ a
8 pump. The water is allowed to flow freely back onto
9 the surface. The water only flows during high or
10 flood stages.

11 COMMISSIONER GAUTREAUX:

12 Any questions or comments?

13 COMMISSIONER GIVENS:

14 I have one.

15 COMMISSIONER GAUTREAUX:

16 Dale?

17 COMMISSIONER GIVENS:

18 And I don't know whether Tony or Phil is the
19 appropriate one. On the rig supply well, I believe
20 it's been common practice over the years to, if a
21 landowner asks, to give that well to the landowner.
22 While it's put in for the purpose of rig supply, I
23 think they are usually like 4" wells or better, and I
24 just wonder if there's anything that we need to look
25 at that from the long-term pumping aspect of the well.

26 COMMISSIONER ASPRODITES:

27 Would that qualify as a domestic well at that
28 point?

29 MR. DUPLÉCHIN:

30 At that point it would qualify as a domestic well

1 and we would like to be notified of that change in
2 use.

3 COMMISSIONER ASPRODITES:

4 But isn't a domestic well exempt?

5 MR. DUPLÉCHIN:

6 It's exempt from the 60-day time frame.

7 COMMISSIONER ASPRODITES:

8 But we'd still be -- so regardless of the 60
9 days, notification --

10 MR. DUPLÉCHIN:

11 There'd still have to be notification.

12 COMMISSIONER ASPRODITES:

13 -- is still required. So maybe we might want to
14 put something in that if it is converted to a domestic
15 well that notice be given.

16 COMMISSIONER GIVENS:

17 It could also -- it seemed to be where it could
18 also be converted to a commercial well or a small
19 operation, you know, that that well supply would be
20 enough. It wouldn't have to be used for domestic
21 purposes.

22 COMMISSIONER ASPRODITES:

23 In that case it would have to be registered under
24 the current law. That wouldn't --

25 COMMISSIONER GIVENS:

26 That's all I want to make sure that it's
27 accounted for.

28 COMMISSIONER ASPRODITES:

29 Right. You might want to put something in there
30 just that any conversion, any waiver does not apply to

1 any conversion, just to make it clear.

2 COMMISSIONER GAUTREAUX:

3 Thank you.

4 COMMISSIONER ASPRODITES:

5 Just in case someone tells them they can try and
6 get around the Act by doing that.

7 COMMISSIONER GAUTREAUX:

8 Right. Bo?

9 COMMISSIONER BOLOURCHI:

10 I have a comment on item No. 2, de-watering
11 wells. As Tony mentioned, they are temporary wells.
12 I would like to see that the definition be "a
13 temporary well installed to de-water an aquifer." In
14 other words, I'm recommending that we add the word
15 "temporary" in item No. 2. Also, Tony, on de-watering
16 wells, are you aware of any wells actually using a de-
17 water well and injected back into the aquifer?

18 MR. DUPLÉCHIN:

19 No. I'm not aware of any.

20 COMMISSIONER BOLOURCHI:

21 I'm not aware of that either. Most of these
22 basically -- really, the water is wasted to the
23 ditches. So I'm not aware of any de-watering well
24 that is used for injection wells.

25 COMMISSIONER GAUTREAUX:

26 Thank you. Any other comments? John?

27 COMMISSIONER ROUSSEL:

28 To clear up some confusion in my mind, as I
29 understand the comments so far today, every well
30 drilled in Louisiana will require registration from

1 this point forward.

2 COMMISSIONER GAUTREUX:

3 Right.

4 COMMISSIONER ROUSSEL:

5 These are -- we're discussing now a 60-day
6 notification prior to drilling those wells.

7 MR. DUPLÉCHIN:

8 Yes, sir.

9 COMMISSIONER ROUSSEL:

10 A couple of questions about the drilling rig
11 supply wells and the de-watering wells. You gave us
12 some numbers in terms of numbers of wells, but you
13 made no reference of what kind of capacity these wells
14 may have, either singularly or together. Do you have
15 any of that information?

16 MR. DUPLÉCHIN:

17 We are currently working to get that information
18 from the oil and gas industry, but don't have it
19 compiled at this time.

20 COMMISSIONER ROUSSEL:

21 The second question, the numbers you quoted, and
22 maybe Bo would be best to answer this, all of them are
23 currently registered. So these numbers are some
24 pretty accurate numbers? These are not just
25 voluntarily registered numbers or anything?

26 COMMISSIONER BOLOURCHI:

27 To answer your comment or question, yes, every
28 well is required to be registered. This is nothing
29 new. That requirement goes back to 19 -- November 1,
30 1985. Every well has to be registered. Rig supply

1 wells almost always they're 4" plastic wells. They
2 are temporary in nature. The pumpage, it varies on
3 the aquifer. Up in the south they probably -- you can
4 pump a lot of water out; in the north, probably less.
5 Most of the time they are abandoned upon completion of
6 the project, but at times that well is turned over, as
7 Dale mentioned, to the owner. We can produce a list
8 to tell you exactly how many is turned to the owners.

9 As far as the number, I was out of town last
10 week. I'm glad to be back. I can't confirm the
11 numbers, but if you would like for me to confirm the
12 numbers I'd be glad to do it.

13 COMMISSIONER SPICER:

14 I'm Brad Spicer, Department of Agriculture and
15 Forestry. In light of the discussion we just had
16 here, I think we ought to put some kind of language in
17 here to ensure that all of these wells are tracked one
18 way or another after their original use expires.

19 COMMISSIONER GAUTREAUX:

20 So even if it's not converted, notification of
21 termination of original use or conversion?

22 COMMISSIONER SPICER:

23 Right.

24 COMMISSIONER CEFALU:

25 I have a question. Excuse me. I have a question
26 on that. My same concern is the fact that you say
27 they're abandoned, wells are abandoned. Does that
28 mean that they're totally closed in to where they
29 can't be reused when you say abandoned?

30 COMMISSIONER BOLOURCHI:

1 I can answer that question. Abandoned means,
2 there's a definition, a legal definition in the Water
3 Well Rules and Regulations, that means the well can no
4 longer be used, or is --

5 COMMISSIONER CEFALU:

6 So there's no use to have to track that well?

7 COMMISSIONER BOLOURCHI:

8 That is correct. I think the term "abandoned,"
9 the way it was used it really meant plugged and
10 abandoned.

11 COMMISSIONER DURRETT:

12 Bo, does that mean they're plugged?

13 COMMISSIONER BOLOURCHI:

14 What?

15 COMMISSIONER DURRETT:

16 Are they plugged?

17 COMMISSIONER ZAUNBRECHER:

18 If they are abandoned.

19 COMMISSIONER DURRETT:

20 If they're abandoned they're plugged?

21 COMMISSIONER BOLOURCHI:

22 Not necessarily, but the law requires all
23 abandoned wells be plugged.

24 COMMISSIONER ZAUNBRECHER:

25 But they aren't necessarily.

26 COMMISSIONER BOLOURCHI:

27 In the case of rig supply, the majority of them
28 are plugged and abandoned upon completion of the task
29 for that well. Some of them are returned back to the
30 owner, and I'm not aware if they're being used or not.

1 COMMISSIONER GAUTREAUX:

2 Dale, you had a comment?

3 COMMISSIONER GIVENS:

4 Thank you, Karen. I just for point of
5 information was going to ask some of the kind of
6 things that Bill asked, and Richard, and it seems to
7 me like that I just would like Conservation and Bo's
8 shop both to look at this practice, because I have
9 seen some of these wells that were right up in the
10 middle of where the drilling activities were going on
11 and there was no wellhead protection or anything
12 around it. And I was going to also ask if they were
13 required to be completed in the same manner that you
14 would for a drinking water well or something of that
15 nature so that you could protect the integrity of the
16 casing and everything going down.

17 COMMISSIONER BOLOURCHI:

18 I think that's a good idea. I have no problem
19 with that, Dale. I just can tell you that rig supply
20 wells are required to be grouted 50'. Domestic wells
21 are only required 10'. However, public supply wells
22 and industry are required to be full depth grouted.
23 So it's somewhere between the domestic wells and large
24 capacity wells.

25 COMMISSIONER GAUTREAUX:

26 So I guess I'm trying to determine how we'd want
27 to word -- we agreed or there seemed to be consensus
28 about the need for notification of conversion, but do
29 we need to carry that out, or what kind of language do
30 we need to -- or do we need additional language to

1 incorporate the concerns or comments that we heard
2 today?

3 COMMISSIONER ASPRODITES:

4 The point is we're not waiving the registration
5 for any type of well. We're simply not requiring
6 certain parties because of the business problem they
7 would have of trying to drill a well and having to
8 wait 60 days when your rig is sitting there, that type
9 situation. But if there's anything that needs to be
10 clarified to make sure that no one can try to use this
11 the way that Dale has suggested or others, I think
12 that perhaps we should get some new -- try to tighten
13 up some of that language.

14 COMMISSIONER GIVENS:

15 I would suggest that the wells -- the
16 requirements for drilling and grouting and everything,
17 fall under Bo's shop, and they can just take a look at
18 that and from Phil and the Office of Conservation
19 standpoint of just getting the people to be aware of
20 the possibility of contamination and that it should be
21 completed and operated safely.

22 COMMISSIONER GAUTREAUX:

23 Does the Commission feel comfortable given the
24 changes that have been suggested today and given that
25 this work is going to go on between Philip and Bo's
26 shop to do as Dale suggested, are we comfortable
27 approving these waiver's today?

28 COMMISSIONER GIVENS:

29 I'd make a motion that we do that.

30 COMMISSIONER CARDWELL:

1 I'd like to make a comment on the de-watering
2 wells. In the case of a large construction, like
3 power plants, that can be substantial de-watering.
4 For example, when they constructed the River Bend
5 plant in the Felicianas, they pumped at one time 40
6 million gallons per day for quite a long time. So we
7 might want to be able to retrieve that category,
8 because like in the Chicot it could cause a pretty
9 profound effect.

10 COMMISSIONER ASPRODITES:

11 We might want to put a limit on the type of
12 wells, as far as the volume that would be displaced
13 for any well. What would that be?

14 COMMISSIONER BOLOURCHI:

15 What the limit would be? That's hard to say.
16 It depends on the type of work. In some construction
17 job they use small de-watering wells, they use, like,
18 50 of them. In some projects they may use just four.
19 In the case that George mentioned, there was a large
20 number of de-watering wells. It all depends on the
21 location and the type of construction.

22 I think the one that Tony is very familiar is on
23 the lignite mining, they're about 150' deep, generally
24 speaking 4-6", and they are taken out after the mining
25 operation is complete. But as far as facilities,
26 various construction projects, it's difficult to say.
27 They basically de-water the aquifer at that zone.

28 We have had a few cases that the jobs were
29 designed in states north of Louisiana, kind of far
30 north, and they had parking in the basement. There

1 was one in Shreveport and one close to Hammond. And
2 the construction people were surprised when they dug
3 the hole. They called me and they said, we have water
4 in the hole. I said, well, surprise. So they were
5 planning to install de-watering well and pump the
6 water forever. There is nothing in the law that can
7 prevent that, except that to discharge water in the
8 ditch requires a joint approval from Secretary of DHH
9 and Secretary of DOTD. So we use that person, plus
10 actually we convince them that was the wrong design
11 and they changed the design.

12 I can't -- Commissioner, I can't really give you
13 a figure of what should be the cutoff. It all depends
14 on the job.

15 COMMISSIONER GAUTREAUX:

16 John, do you have a comment?

17 COMMISSIONER ROUSSEL:

18 I just want to make a comment before we get down
19 to voting and express -- I'm uncomfortable voting to
20 approve these classes of wells as an exemption
21 primarily because I don't know enough about them to
22 approve them as a class. It seems like the
23 Legislature saw fit to exempt two classes, which were
24 domestic wells and replacement wells, but then asked
25 the Commission to look at the rest of them kind of on
26 an individual type basis. It sounds like there's
27 quite a bit of variability within these classes, and I
28 just want to express my reservations to just broadly
29 exempt a lot of them without a little bit more
30 information.

1 I'm not sure what the 60-day burden puts on the
2 various people who would drill these type wells. I'd
3 like to hear that. I've not heard that yet. But I
4 feel uncomfortable giving this broad-brush exemption
5 at this point in time.

6 COMMISSIONER ASPRODITES:

7 If you're asking for the Staff to look at each
8 one separately, or the Commission to vote on each one,
9 the trouble is -- I tried to make the point, I can
10 only speak really for the oil and gas side, and if
11 someone is trying to drill a well that needs to be
12 drilled that have been waiting for months to get their
13 rig, or the rig suddenly becomes available and now
14 they have to wait another 60 days to get the permit, I
15 don't have all the specific facts I can give you, but
16 I'm told that has caused problems out there. And one
17 thing we don't want to do as a Commission is to sit
18 here and put another little layer of state bureaucracy
19 over people trying to go about their jobs every day.

20 I understand you want to get more comfortable,
21 and that's why hopefully we wanted Tony to explain to
22 everybody the basis for it so we can let people go
23 about their business. But if you want to spend more
24 time trying to get together with Tony, or I don't know
25 that he could ever -- the frustrating thing about a
26 Commission is trying to get everybody educated up to
27 the point where they can say, this is right and maybe
28 we should do this. What I've tried to do is hopefully
29 rely on the Staff to put together by working with the
30 different parts of this Commission and Advisory Task

1 Force who do have the expertise in those areas, and if
2 they believe these are the kind of wells that should
3 be addressed, and then come to the Commission and ask
4 the Commission to act on them. And I think that's all
5 we can really do. But if you need more time, they can
6 take more time. But I think Dale has made some good
7 comments, and I think he's correct that we -- in these
8 situations we should move forward and let them get
9 back to their business.

10 COMMISSIONER CEFALU:

11 The first question I have, did anybody second the
12 motion?

13 COMMISSIONER GAUTREAUX:

14 No.

15 COMMISSIONER CEFALU:

16 Then I second the motion before y'all discuss it.
17 The only thing I can see here, first of all, we don't
18 have any regulations to regulate at this time. I
19 mean, that's what this Commission is all about is to
20 regulate the water, the excavation of the additional
21 water sources from aquifers. And these type of wells
22 have been used in the past for businesses, and to go
23 ahead and put an undue burden that's going to slow
24 them down from doing business the way they've been
25 doing it before I think is unreasonable since we have
26 no laws or regulations to regulate the way they use
27 the wells anyway.

28 And these -- anything that's been generally used,
29 I have to take the heed from the people that have been
30 dealing with them for years, and if y'all are

1 comfortable with it, if your offices are comfortable
2 with these wells the way they've been going, I have no
3 problems with them either, but I'm like -- I'm also
4 like you, I'm not too sure about exactly what they do.
5 And until we get to looking at the science and the
6 geology of the aquifers and the water systems in the
7 state to see what the impacts really are, I think we'd
8 have to revisit these wells at those times on whether
9 we're going to have to regulate them. But right now I
10 don't think we are in a position to regulate.

11 COMMISSIONER GAUTREAUX:

12 Again, what we're looking at, too, is the
13 registration. These people still have to register.
14 So I understand your concern, John, to a certain
15 degree, but I also --

16 COMMISSIONER ROUSSEL:

17 Well, I'll flip this around. What wells are out
18 there that are not going to be exempt now? And maybe
19 Bo can answer that. What types of wells -- and I'm
20 talking about the broad spectrum. And I apologize for
21 my ignorance.

22 COMMISSIONER GAUTREAUX:

23 No, it's a new topic for many of us.

24 COMMISSIONER CEFALU:

25 Unless you want to regulate them on a volume.

26 COMMISSIONER ROUSSEL:

27 Well, that's my concern. I heard the gentleman
28 talk about a fairly large capacity well that would fit
29 into one of these classes, and I'm not sure the
30 Legislature wanted us to just presume just cause,

1 which I don't like that term, presumption of just
2 cause, I have a problem with that. But I think the
3 Legislature saw that there are some real needs for
4 exemptions beyond the two that they gave us classes,
5 and we need to as a Commission look at granting those
6 type of exemptions. But these seem to be some pretty
7 broad categories with no limits on them, and it seems
8 like it's not what the Legislature intended. Now, I
9 don't have the way to fix it, because again, I'm not
10 the most intelligent, but I think we can tighten these
11 up some kind of way to where we're doing what I think
12 the Legislature intended.

13 COMMISSIONER GAUTREAUX:

14 John, do you feel equally uncomfortable with
15 every category or --

16 COMMISSIONER ROUSSEL:

17 No. The last two, recovery wells and relief
18 wells seem to be emergency type situations. They seem
19 to be things that require immediate response. Maybe
20 the rig supply and de-watering wells also have the
21 same type thing. I heard Commissioner Asprodites make
22 reference to availability of rigs and that type stuff
23 and not having lead-time. And that is an emergency.
24 If that's true in all situations, well, then maybe
25 those are emergency situations, but I didn't hear that
26 before that comment that they didn't have that lead-
27 time.

28 COMMISSIONER ASPRODITES:

29 Why doesn't Tony or --

30 COMMISSIONER GAUTREAUX:

1 Dale?

2 COMMISSIONER GIVENS:

3 I was just going to point out to John the same
4 thing that Bill was doing, that this is an interim
5 situation, and the only thing it does is waive the 60-
6 day notification. It does not waive the requirement
7 on how it is put in or anything that we would normally
8 do with respect to pumping capacity or anything else.
9 It's just a process to keep the thing moving. And we
10 have ample time in the development of the regulations
11 to come back if we feel like that we need to tighten
12 up on that. But in the meantime you're going to find
13 yourself potentially having to meet real frequently
14 when there's no real need to do it, to have to look at
15 the approval of this type of situation or something.
16 These wells are drilled all the time right now, and
17 this is just a process, as I said, to keep it moving.
18 It does not give away anything other than the time to
19 notify.

20 COMMISSIONER BOLOURCHI:

21 I have some additional comment. Going from
22 bottom to the top, No. 4, relief wells, they're not
23 really water wells. They are constructed like water
24 wells; all they do is relieve pressure. In other
25 words, it relieves the pressure in the adjoining
26 stream. If it's close to the Mississippi River, when
27 the water level comes way up, they would allow some of
28 the water to be discharged and that discharged water
29 gets back to the same stream. So I have no problem at
30 all with relief wells.

1 Recovery monitor wells, they really don't even
2 need to be there, but they're exempted by the Statute.
3 So really that's not going to affect anything by being
4 here. Rig supply -- de-watering wells I have some
5 concerns because of the fact that occasionally there's
6 a large number of wells in fact de-watering the
7 aquifer. And maybe this is the case that if we're
8 trying to conserve water, and then next door someone
9 pumping 40 million gallon per day to de-water, maybe
10 the Commission needs to know.

11 With rig supply well, I have no problem with
12 exempting rig supply wells. They are temporary. They
13 are small, and most of them are plugged immediately
14 after completion of rig operation. Small numbers are
15 returned to the owners, but I'm not aware that ever
16 they pump any water. I like that idea, to turn it
17 over to the owner. If there's a case of
18 contamination, you have a well you can immediately go
19 to it and sample it. So that's the reason that in our
20 rules we allow that for that specific purpose. My
21 only concern is de-watering wells.

22 COMMISSIONER GAUTREAUX:

23 What I would like to recommend, if the Commission
24 is willing to do this, is take out de-watering wells
25 from the list of 60-day registration waivers, and
26 include the rest, if there's --

27 COMMISSIONER ZAUNBRECHER:

28 Also include the additional --

29 COMMISSIONER GAUTREAUX:

30 Correct, and all of the comments that we've

1 mentioned. I think Dale added groundwater monitoring
2 wells, so -- and also we noted some language about
3 conversion of use. And, Commissioner Odom, welcome to
4 the meeting. So is -- and Tony, what we would need to
5 do is ask that you get some more information on de-
6 watering wells and then we'll tighten that language
7 up, if the Commission still wants to include that in
8 terms of registration waiver, 60-day --

9 COMMISSIONER GIVENS:

10 Karen, if it's appropriate I'll amend the motion
11 to delete the relief wells.

12 COMMISSIONER GAUTREAUX:

13 Do we have a second?

14 COMMISSIONER BOLOURCHI:

15 I'll second that.

16 COMMISSIONER GIVENS:

17 Delete the de-watering wells. Excuse me.

18 COMMISSIONER GAUTREAUX:

19 De-watering wells, thank you. All right. So
20 Secretary Givens has made a motion, Bo has seconded
21 it, Bo Bolourchi has seconded that motion to approve
22 the waiver as amended during our discussion today,
23 and, of course, that includes the additional type of
24 well. The word temporary well, we're not even going
25 to do, again the de-watering and taking de-watering
26 out.

27 So we have a motion and a second. Any
28 discussion? (No response.) All in favor? (Aye.)
29 Thank you. Oh, any opposed? (No response.) I heard
30 all "ayes." Thank you.

1 MR. DUPLECHIN:

2 I have one other item on 60-day waiver.

3 COMMISSIONER GAUTREAUX:

4 Okay, Tony. I'm sorry.

5 MR. DUPLECHIN:

6 These we had stated as having a presumption of
7 just cause. I was going to request that the
8 Commission give the Staff the authority to make these
9 decisions for other wells on a case-by-case basis, and
10 we would report these decisions to the Commission on a
11 monthly basis.

12 COMMISSIONER GAUTREAUX:

13 For example, if someone calls in and says, I have
14 ten pet cows, and we're going to request a waiver,
15 y'all would make the decision, and then you would
16 report to the Commission on your activities in terms
17 of granting these 60-day waivers?

18 MR. DUPLECHIN:

19 Yes, ma'am.

20 COMMISSIONER GAUTREAUX:

21 Is the Commission comfortable with that? Good.
22 Do we need a motion?

23 COMMISSIONER ASPRODITES:

24 No.

25 COMMISSIONER GAUTREAUX:

26 Thank you. All right. Today I would just like
27 to give you a little preview of the Advisory Task
28 Force meeting this afternoon. We're going to be
29 meeting at 1:30 in Burden Research Station, which, for
30 those of -- hopefully you received a map in the

1 e-mail, but it's the first exit if you're coming from
2 the direction of the Capitol. You get on I-10 toward
3 New Orleans and then take a right at the exit and it's
4 the first right off -- at Essen Lane, sorry, at Essen.
5 So hopefully, it's a pretty good -- it's a nice room,
6 A, and it allows a group the size of the task force to
7 meet, and it's -- the acoustics are much better. I
8 think it will be a little more conducive to having a
9 good task force meeting.

10 What we're going to be looking at today is, there
11 is a proposal for the Commission to look at, and
12 you're welcome to provide your input. The Staff has,
13 as in our Water Policy Task Force meeting, suggested
14 some subcommittees for members of the group to work
15 on. These are just suggestions. And you'll notice
16 that for each of the groups, an organization may be
17 mentioned more than once, and we were just trying to
18 pass along the notion that you may want to participate
19 in more than one of the group discussions. You're
20 certainly welcome to join more than one subcommittee,
21 and all members are welcome to attend any committee
22 meeting. We also encourage Commission members to sit
23 in with the committees as well, and the idea being
24 that these committees will help us address many of the
25 issues that will need to be addressed as we develop
26 both the comprehensive water policy and measures, our
27 short-term measures for management. So we are going
28 to be meeting this afternoon, and that gives you a
29 little preview.

30 And what we're going to propose to do is have a

1 report of the task force at every Commission meeting,
2 and we'll also give the task force an update on
3 Commission activities so there will be a linkage
4 between groups. And we truly are counting on the
5 members of the task force to help us in our mission.
6 So we look forward to the meeting this afternoon.

7 Commissioner Odom, I don't know if you would like
8 to say something. I'm glad you could join us today.

9 COMMISSIONER ODOM:

10 I appreciate being able to be here. I planned to
11 be here earlier, and unfortunately, with all of the
12 other -- there's some things going on in Ag, too, that
13 -- all aerial applications are shut down. Beans are
14 being turned down, and there's tons of things. And
15 I'm sorry I wasn't here at the beginning of the
16 meeting, but thank you again.

17 COMMISSIONER GAUTREAUX:

18 I'm glad you could join us. Thank you. Getting
19 back to the Advisory Task Force meeting, that's in
20 general what we are going to try to do this afternoon,
21 divvy up in work groups and get going in the support
22 activities for the Commission. I don't know if there
23 are any comments or questions about the task force
24 meeting at this point from Commission members or
25 comments? (No response.) Thank you.

26 Now I'd like to, speaking of the task force,
27 invite any Advisory Task Force members to make any
28 comments regarding the discussion today on any of the
29 items, you're welcome. Mike Wascom?

30 MR. WASCOM:

1 Just to ask you to explain it again, what the
2 draft rules provide for public comment and public
3 input into Commission decisions. For one thing I know
4 that it provides for public comments at the Commission
5 meetings; is that right? Does it go beyond that? In
6 other words, for written comments and that kind of
7 thing, do they go beyond that?

8 COMMISSIONER GAUTREAUX:

9 I'm sorry, for the -- I had to switch gears.
10 You're talking about the application procedure for
11 designation of a critical groundwater area?

12 MR. WASCOM:

13 I'm talking about the draft rules. What does it
14 provide for public input into those decisions?

15 COMMISSIONER GAUTREAUX:

16 There's a public input -- first of all, we'll
17 have a notice of intent to file. So the public,
18 members of the public are notified when an application
19 has been made. We're going to have an opportunity
20 when there is a hearing for the public to provide
21 input in person, and there will also be opportunities
22 to provide written input as well.

23 MR. WASCOM:

24 Thanks. I just wanted that clarification.

25 COMMISSIONER GAUTREAUX:

26 And, Mike, if an area is declared as a critical
27 groundwater area, there will also be an opportunity to
28 comment on the proposed management measures.

29 Any other task force comments or questions? (No
30 response.) Any public comments? I'm sorry, new

1 business. Is there new business to come before the
2 Commission?

3 COMMISSIONER ROUSSEL:

4 Question. Are minutes prepared of these
5 meetings? I notice we didn't approve minutes from the
6 last meeting. I know we're recording it and
7 everything. Are there some summary minutes?

8 COMMISSIONER GAUTREAUX:

9 We'll have a transcript.

10 COMMISSIONER ROUSSEL:

11 It's going to be a verbatim or just a summary
12 minutes?

13 COMMISSIONER GAUTREAUX:

14 We can do a summary as well. I think we are
15 going to prepare -- do a summary; right?

16 MR. DUPLÉCHIN:

17 We're going to prepare a summary. We're in the
18 process of updating our web site for the Commission,
19 and we will post the verbatim transcript there for
20 those that wish to download it and look at it, but we
21 will be writing up a summary and posting it on the web
22 site as soon as it is finished.

23 COMMISSIONER GAUTREAUX:

24 Well, no more public comments? (No response.)
25 I'd like to look at the schedule for the next meeting.
26 I think given the status of the proposals, we had
27 looked at a tentative date of October 15th, Monday. I
28 think we had.

29 COMMISSIONER ASPRODITES:

30 The bids are going to be submitted by October

1 6th, which is a Saturday?

2 MR. DUPLÉCHIN:

3 The 8th.

4 COMMISSIONER ASPRODITES:

5 The 8th? A Monday?

6 MR. DUPLÉCHIN:

7 It would be Monday.

8 COMMISSIONER GAUTREAUX:

9 Does the 15th, and I know that our travelers --
10 the 17th? The 15th or the 17th? The 17th may be
11 better for a number of people, I'm gathering.

12 COMMISSIONER ASPRODITES:

13 We have a hearing in Shreveport, so our court
14 reporter would not be available.

15 COMMISSIONER GAUTREAUX:

16 On the 17th?

17 COMMISSIONER ASPRODITES:

18 It could be early, 9:30.

19 COMMISSIONER GAUTREAUX:

20 We were going to try as much as possible to have
21 an afternoon meeting to keep in mind our travelers.

22 COMMISSIONER ASPRODITES:

23 Would that give the group who are reviewing the
24 contracts, the proposed contracts a chance, a week or
25 so, to have some basic comments regarding the bids?
26 Is that doable?

27 MR. DUPLÉCHIN:

28 It will give some time.

29 COMMISSIONER GAUTREAUX:

30 Well, would it be more of a meaningful Commission

1 meeting if we perhaps went to the next week, the 22nd,
2 in terms of being able to report on progress?

3 COMMISSIONER GIVENS:

4 I think the 22nd, or that week, would give us a
5 lot better chance to take a look at it.

6 COMMISSIONER GAUTREAUX:

7 The afternoon of the 22nd?

8 COMMISSIONER DURRETT:

9 What time?

10 COMMISSIONER GAUTREAUX:

11 1:30. Okay, so -- and we'll check to see if we
12 can get this room. We will plan on it, and we'll make
13 other plans if it is not available.

14 COMMISSIONER ZAUNBRECHER:

15 Linda Zaunbrecher. I have a question about the
16 representative from the Ground Water Management
17 Commission and the representative from the Ground
18 Water Management Advisory Task Force. Will those be
19 selected -- will that be selected this afternoon, or
20 who will be the representative from here? Will you or
21 Philip or --

22 COMMISSIONER GAUTREAUX:

23 We had actually proposed, I think, Secretary Dale
24 Givens, Bo Bolourchi, and a member of the task force,
25 Charlie Demas.

26 COMMISSIONER ZAUNBRECHER:

27 So those -- that's done?

28 COMMISSIONER GAUTREAUX:

29 That's who we were suggesting, unless --

30 COMMISSIONER ZAUNBRECHER:

1 Is that something that we would vote on?

2 COMMISSIONER GAUTREAUX:

3 We're welcome to vote if you'd like to.

4 COMMISSIONER ZAUNBRECHER:

5 It's not necessary. I just --

6 COMMISSIONER GAUTREAUX:

7 It's not necessary, but --

8 COMMISSIONER ZAUNBRECHER:

9 It would be good to have it in the record. So I
10 would think --

11 COMMISSIONER GAUTREAUX:

12 That's fine.

13 COMMISSIONER ZAUNBRECHER:

14 I would accept the recommendations of Staff.

15 COMMISSIONER GAUTREAUX:

16 Okay. So a motion to accept the recommendation
17 of Staff.

18 COMMISSIONER ZAUNBRECHER:

19 Which are?

20 COMMISSIONER ASPRODITES:

21 Which is Tony Duplechin, Jim Marchand, Dale
22 Givens, Bo Bolourchi, and Charlie Demas.

23 COMMISSIONER DURRETT:

24 Second.

25 COMMISSIONER GAUTREAUX:

26 Mr. Durrett seconds. All in favor? (Aye.) Any
27 opposed? (No response.) Thank you.

28 COMMISSIONER DURRETT:

29 Karen, let me make one comment. Tony attended
30 our last Sparta meeting, and we appreciated that. He

1 really got me out of a bind. I appreciate it. And
2 we'd like to invite him to come back to the Sparta
3 meeting.

4 COMMISSIONER GAUTREAUX:

5 When is the next one, Mr. Durrett?

6 COMMISSIONER DURRETT:

7 We haven't scheduled. I'll let him know. I put
8 him on the list. And one other thing, on these -- you
9 keep calling these bids. These aren't bids, these are
10 proposals; right?

11 COMMISSIONER GAUTREAUX:

12 Proposals, right.

13 MR. DUPLÉCHIN:

14 Proposals.

15 COMMISSIONER GAUTREAUX:

16 Thank you. Do we have a motion to adjourn?

17 COMMISSIONER ASPRODITES:

18 So moved.

19 COMMISSIONER CEFALU:

20 Second.

21 COMMISSIONER GAUTREAUX:

22 Seconded? All in favor? (Aye.) Thank you.

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CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting of the Louisiana Ground Water Management Commission was held on September 17, 2001, in the Mineral Board Hearing Room, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages, numbered 1 through 41, inclusive, constitute a true and correct transcript of the proceedings thereof.

SUZETTE M. MAGEE, CCR #93079

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